
Russ Vought: Make America Ignorant Again

A couple of weeks ago I asked how we can stand up institutions in light of the Trump Administration's destruction of environmental agencies. As House Speaker Sam Rayburn famously said: "any jackass can kick a barn down. It takes a carpenter to build one."

And not a moment too soon. EPA Administrator Lee Zeldin has eliminated the Agency's Office of Research and Development – in place since the *Nixon* Administration – and Russ Vought's chainsaw is wreaking havoc across DC as he drives to Make America Ignorant Again.

Hayley Smith at the Los Angeles Times asks the right follow-up question: can California help fill the gap created by the Trump Administration's decimation of federal environmental agencies?

She points to the state's Office of Environmental Health Hazard Assessment (OEHHA), and quotes several leaders suggesting that the Golden State might be able to hire former federal staffers laid off in the anti-environmental carnage in DC:

> [California EPA Secretary Yana] Garcia said California has hired a number of people from the federal government over the past year and is open to absorbing more EPA employees who were recently laid off. OEHHA has a number of open positions. "California remains open for [a] rigorous,

> science-based approach to health and environmental protections," Garcia said.
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> [Tracey Woodruff, a professor at UC San Francisco and a former senior scientist and policy advisor with EPA's Office of Policy] said she hopes to see California and other states invest more in OEHAA and other scientific agencies by offering better salaries and bolstering staff numbers. But ultimately, she said the Golden State can use this moment to become an example for others to follow. "California could be a real leader for all the other states who also want to keep doing right by their by their constituents and continuing to address toxic chemical exposure," she said.

Smith quotes Woodruff to the effect that California state government already has a "pretty stellar group of scientists." This is an opportunity to add capacity.

Meanwhile, our UC Davis School of Law colleague Darien Shanske has a somewhat more ambitious proposal in a recent short working paper: a series of multistate compacts to fill the gap. Sheske notes that there are hundreds of such compacts already (there is even a National Center for Interstate Compacts, funded by the Council on State Governments). He points to the Multistate Tax Commission as an example of a successful compact that can provide real benefits at a relatively low cost.

Shanske points to several ways in which interstate compacts can help: 1) Harmonization and coordination of laws. 2) Pooling resources to develop and maintain shared systems and infrastructure. 3) Coordinating regulatory and surveillance activities. 4) Funding scientific research and other desirable activity. He sets out more fully what this means in his paper. Read the whole thing.

It's a very good idea, and I think it has legs. But there are some things that we need to know about whether states can fill in:

**Cost it out.* The Administration claims will "save" $750 million by destroying ORD. Like everything else it estimates, this is likely way overblown and was likely derived from the orifice of someone at OMB. But even if it closer to, say $500 million, that can add up for strapped state budgets, and that is particularly true if we combine it with other crucial agencies that the Administration is destroying – for example,

NOAA. Could a consortium of states fill that gap by themselves? Unlikely, which means that they will need to set priorities about whom and what they can fund.

**Can philanthropy help?* Conservative billionaires are much more strategic than liberal ones. For decades, conservative billionaires like Harland Crow and the Koch Brothers have been funding institutions like the Heritage Foundation, the Federalist Society, the American Legislative Exchange Council, and others to drive the policy conversation rightward and muddy the waters concerning scientific evidence. They have also lavished dollars what some have aptly described as "wingnut welfare" – places where right-wing politicians and apparatchiks who have lost jobs and elections can go and get lavish sinecures. Meanwhile, their counterparts have either spent hundreds of millions on vanity Presidential campaigns. It is time for them to get more strategic. Will they?

**Where is the low-hanging fruit on pooling resources?* Shanske points to one intriguing example: weather satellites. He notes that California is already launching a satellite to get better weather information, and this seems like an excellent place. Where are the others? If this will be a multi-state effort rather than just ad hoc gap-filling, we need many more examples of how actually we can get economies of scale.

Shanske has a thoughtful rejoinder to such questions:

> Here is how states might use the scale of the current challenges to stand up a program quickly, inexpensively, and with relatively little burden on state officials. First, one or more states can identify a capable administrator, perhaps someone who has recently left the federal government. The states could provide a modest amount of money—perhaps $2 million of seed funding—to allow that person to form a small team to develop a report including (i) a plan for the organization, (ii) a proposed budget, and (iii) any additional legislation that member states would need to enact. Within a few weeks or months, that team could provide the report to the states with recommendations about how to get the interstate organization up and running.

Fair enough. If you are going to build institutions, you need an institution to help build them! But I do worry that we will need a better argument for substantive

payoffs to justify funding an organization (although Shanske is clearly correct that $2 million is really not very much in the grand scheme of things.). To some extent that is putting the cart before the horse: let’s actually do the research about how to get economies of scale before making claims. But politics and funding doesn’t work like that, and for good reason: you need to make the case in what will be a very competitive fundraising environment.

Nevertheless, this is where we need to be going. Is anyone listening?